

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-6067**

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HERBERT ALONZO ROBINSON,

Plaintiff - Appellant,

versus

DANIEL KOELE, LPN; DELLA ACKERMAN, LPN;  
RIVERS RICE, Corporal, all in their individual  
capacities,

Defendants - Appellees.

and

BETTE GARRAND, RN,

Defendant.

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Appeal from the United States District Court for the District of  
South Carolina, at Florence. Joseph F. Anderson, Jr., District  
Judge. (CA-97-558-5-17JI)

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Submitted: May 25, 1999

Decided: June 1, 1999

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Before ERVIN, WILKINS, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Herbert Alonzo Robinson, Appellant Pro Se. James Miller Davis, Jr., DAVIDSON, MORRISON & LINDEMANN, P.A., Columbia, South Carolina; Sandra Jane Senn, Charleston, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Appellant filed an untimely notice of appeal. We dismiss the appeal for lack of jurisdiction. The time periods for filing notices of appeal are governed by Fed. R. App. P. 4. These periods are "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). Parties to civil actions have thirty days within which to file in the district court notices of appeal from judgments or final orders. Fed. R. App. P. 4(a)(1).

The only exceptions to the appeal period are when the district court extends the time to appeal under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6).

The district court entered its order on September 10, 1998; Appellant's notice of appeal was filed on December 28, 1998. Appellant's failure to file a timely notice of appeal\* or to obtain either an extension or a reopening of the appeal period leaves this court without jurisdiction to consider the merits of Appellant's appeal. We therefore grant Appellees' motion to dismiss, deny Appellant's motion to dismiss motion to dismiss, and dismiss the appeal. We dispense with oral argument because the facts and legal

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\* For the purposes of this appeal we assume that the date Appellant wrote on the notice of appeal is the earliest date it would have been submitted to prison authorities. See Houston v. Lack, 487 U.S. 266 (1988).

contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED